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April 21, 2000

Commanding Officer
Naval Facilities Engineering Command
Department of the Navy Southwest Division
1220 Pacific Highway
San Diego, California 92132-5190
Attn: Richard Mach
BRAC Environmental Coordinator
Hunters Point Shipyard

Re: Comments to the Navy's April 10, 2000 Draft Explanation of Significant Differences (ESD) to the October 7, 1997 Record of Decision (ROD) for Parcel B, Hunters Point Shipyard

Dear Mr. Mach:

This letter provides Lennar BVHP Partner's comments to the Navy's April 10, 2000 "Draft Explanation of Significant Differences (ESD)" to the October 7, 1997 Record of Decision (ROD) for Parcel B, Hunters Point Shipyard.

Our comments are as follows:

1. **Bullet point number 1.**

Since there has been some discussion in the past regarding what 10^{-6} means, the Navy should clarify 10^{-6} by adding the following parenthetical language, stating "(one in one million)".

2. **The first paragraph after the bullets on Page 1.**

The Navy should clarify which specific metals have defined standard ambient levels at Hunters Point. A note should also be added to identify those metals in which background levels are based on the regression analysis and thus, are variable based on the sample location.

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3. **Page 2, the second to last paragraph before Section III.**

The Navy should clarify that it has additionally sampled for radionuclides at Parcel B and that either no impacts were found, or that the impacts have been remediated.

4. **Section V – The Navy statement that the remedy achieves ARARS, is cost effective, and is protective of human health and the environment.**

If the Navy is going to make these statements, it should also reference that it also addresses the remaining feasibility study requirements such as implementability, support agency and community acceptance, short and long term effectiveness, and reduction of toxicity, mobility, or volume through treatment. Without this statement (and the facts to support it) the reader is left to assume that these criteria have been met, or to wonder whether they may have been overlooked.

5. **Attachment B, the “Toxicity Values” section, which states, “Generally, the Cal/EPA values were more conservative than the values listed on the PRG table. For chemicals with more than one available slope factor, the maximum slope factor was used in the calculation, with the exception of PCBs, for which the EPA value was used.”**

The Navy should provide an explanation for this decision or provide technical support given that this is a deviation from the approach applied to all of the other compounds. We suggest that the Navy be consistent and always use the more conservative value. If not, the Navy should provide the supporting material to clearly state why they believe the higher value is appropriate in this case.

6. **Attachment B, the second to last paragraph concerning VOCs in the environment.**

The Navy states that VOCs do not bioaccumulate in the environment, and consequently, were not evaluated in the calculation of revised cleanup values. This is a significant change from the methodology previously presented in the risk assessment in which the ingestion of homegrown produce was the driver exposure pathway in developing the cleanup goals presented in the existing ROD. Because of this, the Navy

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should present further justification in the ESD letter (in addition to Attachment B) for eliminating this exposure pathway for VOCs. Otherwise, the Navy should calculate the VOC bioaccumulation values as before under the approved ROD.

In addition, the text that follows this statement in support of not including VOCs within the bioaccumulation calculations is technically misleading. VOCs in fact do persist within soils (including surface soils depending upon soil type and soil cover) for periods of time beyond 30 years under certain conditions. If this were not the case, the VOC material currently being detected in soil and groundwater throughout portions of Hunters Point and other parts of the Bay Area would not be present at this time and remediation would not be necessary. As the sampling data indicate, this is not the case. Additionally, if VOCs are to be expected to be "lost" during tilling, planting, or food preparations, there are additional issues of human health exposures through increased contact during these activities (i.e, dermal contact and inhalation) which should be addressed.

7. **Footnote A of Attachment A which states that "cleanup value corresponds to cancer risk of 1×10^{-6} or hazard index of 1, but exceeds soil saturation limits."**

The Navy should change these calculations to be consistent with the PRG, which is using the lower value between the soil saturation limit and the risk-based cleanup level.

Please call me at (415) 774-2946 if you have any questions.

Very truly yours,



M. Elizabeth McDaniel

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Enclosures

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